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NO. 5533 P. 2

AUG 22 2006

Att'y. Dkt. No. 029488-0112

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jay BUA  
Title: REDUCTION OF BREAST  
DENSITY WITH 4-HYDROXY  
TAMOXIFEN  
Appl. No.: 10/734,644  
Filing Date: 12/15/2003  
Examiner: B. Fetterolf  
Art Unit: 1642

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Rachel Caputo (Printed Name)  <i>Rachel Caputo</i> (Signature)  August 22, 2006 (Date of Deposit)
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**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated February 24, 2006, and in the Advisory Action dated July 7, 2006, finally rejecting Claims 1-12.

☒ Applicant claims small entity status.

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ Notice of Appeal Fee

☒ To be paid as detailed below

☐ Not required (Fee paid in prior appeal)

08/23/2006 MBINAS 00000026 10734644

01 FC:2401  
02 FC:2253

250.00 OP  
510.00 OP

Atty. Dkt. No. 029488-0112

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$500.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00
<input type="checkbox"/>	Extension:	\$0.00
	FEE TOTAL:	\$1,520.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract 1/3 of above):	\$760.00
	TOTAL FEE:	\$760.00

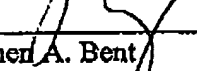
A credit card payment form in the amount of \$760.00 is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: August 22, 2006  
FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5404  
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By   
Stephen A. Bent  
Registration No. 29,768  
Attorney for Applicant

By Richard J. Warburg  
Registration No. 32,327



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## FACSIMILE TRANSMISSION

Total number of pages (including this page): 4

TO:	PHONE #:	FAX #:
Examiner B. Fetterolf Group Art Unit 1642 U.S. Patent and Trademark Office	571-272-2919	571-273-8300

<p><b>From :</b> Richard J. Warburg, Ph.D. On behalf of Stephen A. Bent</p> <p><b>Email Address :</b> rwarburg@foley.com</p> <p><b>Sender's Direct Dial :</b> 858.847.6767</p> <p><b>Date :</b> August 22, 2006</p> <p><b>Client/Matter No :</b> 029488-0112</p> <p><b>User ID No :</b> 9055</p>
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## MESSAGE:

Re: Serial No. 10/734,644

Enclosed for submission in the subject application is the following:

1. Notice of Appeal (2 pages); and
2. Credit Card Payment Form (1 page).

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Rachel Caputo
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PAGE 1/4 \* RCVD AT 8/22/2006 7:13:10 PM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-1/6 \* DNIS:2738300 \* CSID: \* DURATION (mm-ss):01-20